

WEBB COUNTY, TEXAS

Plaintiff's Original Petition  
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II.

PARTIES

*Plaintiff*

2. Plaintiff, JAVIER JARAMILLO is a resident of Laredo, Webb County, Texas.

*Defendants*

3. Defendant, WERNER ENTERPRISES, INC., D/B/A NEBRASKA WERNER ENTERPRISES, INC., is a corporation registered to do business in Texas. Werner can be served with citation by mailing a copy of the citation with an attached copy of this petition to Werner's registered agent, John Vidaurri, 8601 Peterbilt Ave, Dallas, Texas 75241 via registered, certified mail, return receipt requested or wherever they may be found.

4. Defendant VERNICE MATTHEW TAYLOR, is an employee of WERNER ENTERPRISES, INC, who was assigned the vehicle alleged to have been involved in the accident made the basis of this lawsuit. Defendant may be served with citation by serving him at 1693 E 13<sup>th</sup> St Stockton, California 95206 or wherever Defendant may be found.

5. Defendant RAYMOND RODRIGUEZ, is an employee of WERNER ENTERPRISES, INC., who was a passenger in the vehicle alleged to have been involved in the accident made the basis of this lawsuit. Defendant may be served with citation by serving him at John Vidaurri, 8601 Peterbilt Ave, Dallas, Texas 75241 or wherever Defendant may be found.

III.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.

7. This court has jurisdiction over the parties because Defendants are Texas residents.
8. Venue in Webb County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because an automobile accident which forms the basis of this suit occurred in Webb County, Texas.

#### FACTS

7. On or about June 21, 2016 at approximately 18:25 p.m., Defendant **VERNICE MATTHEW TAYLOR** was operating a motor vehicle traveling southbound on IH35 in the outside lane behind Plaintiff. Plaintiff were traveling southbound on IH35 on the outside lane. Defendant failed to control its speed and struck the rear on Plaintiff trailer. Officer Justin Obeda stated that Defendant was fatigued.

#### V.

#### PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANTS

2. Defendant **VERNICE MATTHEW TAYLOR** acting through his employer **WERNER**, had a duty to exercise ordinary care while operating the commercial tractor truck. Defendant failed to exercise ordinary care at the time of the occurrence through acts of omission and commission and those failures constituted negligence. That negligence was a proximate cause of the injuries and damages sustained by **JAVIER JARAMILLO**.

3. The acts and omissions of **VERNICE MATTHEW TAYLOR** acting through his employer **WERNER** were negligent, careless and reckless. Those acts and omissions included, but are not limited to, the following:

- A. Failure to keep a proper lookout for the safety of other motorists that would have been maintained by a driver of ordinary prudence under the same or similar circumstances;

- B. Failure to maintain an assured clear distance between Defendant's vehicle and the vehicle operated by **JAVIER JARAMILLO**
- C. Failure to timely apply the brakes of the vehicle in order to avoid a collision between Defendant's vehicle and the vehicle operated by **JAVIER JARAMILLO**; and
- D. Failure to control the speed of the Defendants' vehicle and travelling at a rate of speed that was excessive under the circumstances.

**VI.**  
**EXEMPLARY DAMAGES**

4. Based on the facts stated herein, Plaintiffs request exemplary damages be awarded to her from the Defendants.

5. Defendants' acts or omissions described above, when viewed from his standpoint at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiffs and others. Defendants **VERNICE MATTHEW TAYLOR, RAYMOND RODRIGUEZ** and **WERNER** had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

6. Based on the facts stated herein, Plaintiffs request exemplary damages be awarded to them from Defendants **VERNICE MATTHEW TAYLOR, RAYMOND RODRIGUEZ** and **WERNER**.

**VII.**  
**DAMAGES FOR PLAINTIFF JAVIER JARAMILLO**

7. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, **JAVIER JARAMILLO** was caused to suffer injuries and to incur the following

damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, JAVIER JARAMILLO for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Webb County Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Mental anguish in the past;
- F. Mental anguish in the future;
- G. Physical Impairment in the past;
- H. Physical Impairment in the future;
- I. Disfigurement in the past; and
- J. Disfigurement in the future.

**VIII.**  
**ATTORNEY'S FEES**

16. Due to the acts and omissions of Defendants, it has become necessary for Plaintiff to hire the undersigned attorney to prosecute this Lawsuit. Accordingly, Plaintiff seek the recovery of all reasonable and necessary attorney's fees expended by Plaintiff as damages.

**IX.**  
**REQUEST FOR JURY TRIAL**

17. Plaintiff demand a jury trial and will tender the appropriate fee in accordance with the Texas Rules of Civil Procedure.



**X.**  
**REQUEST FOR DISCLOSURE**


18. Pursuant to Rule 194.2 of the Texas Rules of Civil Procedure Plaintiff makes this Request for Disclosure to Defendants, **VERNICE MATTHEW TAYLOR, RAYMOND RODRIGUEZ** and **WERNER**.

**XI.**  
**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff, **JAVIER JARAMILLO**, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; exemplary damages, as addressed to each Defendants per Section 41.006, Chapter 41, Texas Civil Practice and Remedies Code, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

**THE NOTZON LAW FIRM**  
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Tel: (956) 717-1961  
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By:   
**MARCEL C. NOTZON, III**  
State Bar No. 15119001

**ATTORNEY FOR PLAINTIFF,**  
**JAVIER JARAMILLO**



TELEPHONE NO. (956) 523-4954

**Oscar J. Hale, Jr.**

State District Judge

406<sup>TH</sup> Judicial District Court

1110 Victoria St., Suite 402

June 26, 2018

CAUSE NO.: 2018CVA001239D4

STYLE: JAVIER JARAMILLO

VS

WERNER ENTERPRISES INC; VERNICE MATTHEW  
TAYLOR; RAYMOND RODRIGUEZ

Please take NOTICE that this case is set for **CALENDAR CALL** on 08/22/2018  
at 2:00 PM at the 406<sup>th</sup> District Court, 4<sup>th</sup> Floor, Webb County Justice Center.

All Calendar Call hearings will be in open court and on the record before the Honorable Judge Oscar J. Hale, Jr. Your presence is MANDATORY unless Counsel for Plaintiff(s) and Defendant(s) file a Joint Pre-Trial Guideline Order (PTGO) with all counsel signatures on the PTGO.

You may download the PTGO at our website: [www.Webbcountytx.gov/DC406th/Forms](http://www.Webbcountytx.gov/DC406th/Forms)

Counsel for Plaintiff(s) please note that if you fail to appear your case may be dismissed for lack of prosecution.

Counsel for Defendant(s) please note that if you fail to appear for calendar call, a pre-trial guideline order may be entered with or without your approval and/or signature.

If there are any questions regarding this matter please feel free to call our office at any time.

A handwritten signature in black ink, appearing to be "J. Hale", written over a horizontal line.

Civil Court Coordinator

DC: